

**Block 2802 Lot 2 Qualifier C001A & C001B – Montvale Development Associates II. LLC – Mercedes Drive and Grand Avenue West** – Application for Amended PUD Approval; Amended Phase II Preliminary Site Plan Approval; Final Site Plan Approval; Use Variance for Medical Offices and Soil Movement Approval

Chairman: Do we have the applicant representatives?

Bob: They're here, Mr. Chairman.

Chairman: Okay, Mr. Delvecchio?

Mr. Delvecchio: I'm here as well.

Chairman: Okay, Lucena?

Lorraine: Depoe.

Chairman: Mr. Depoe is here, Mr. Preiss?

Lorraine: There he is.

Chairman: Okay, Mr. Delvecchio, are you expecting anyone else? You're going to have to unmute yourself, Andy.

Mr. Delvecchio: We do have our other witnesses in the background. I don't expect calling them on direct testimony, but they are available for questions. That includes Mr. Pat and Ms. Rodriguez who testified last time.

Chairman: Very good. And with that said, all the board members are here, Mr. Delvecchio and his witnesses are here. Good evening.

Mr. Delvecchio: Good evening. It's late already. So, I will try to have some more coffee and keep this quick. We are here...

Chairman: You've got a whole hour, Andy. So, make the best of it.

Mr. Delvecchio: I will get this done. So, we are here on continued public hearings involving Montvale Development Associates II LLC. The property is Block 2802 Lot 2 Qualifier C001A & C001B, located at the corner of Philips Parkway in Grand Avenue. When we last appeared back on April 6<sup>th</sup>, we got through many, but not all of our witnesses, including Mr. Depoe, Mr. Pat, our architect Ms. Rodriguez, our landscape architect. And as we concluded that hearing, we were left with a homework assignment, as I like to call it, to take a look at the entrance proposed off of Philips Parkway and to see what we could do to improve it and remove what was perceived to be a conflict point with inbound and

outbound traffic at the very throat of the intersection. So, of course, I do what I do best. I passed that homework assignment off to Mr. Depoe and told him to figure it out. And he did, in fact, at least in my opinion, figure it out. So, I'd like to recall Mr. Depoe this evening, as we start our have Mr. Depoe review the proposed change on that access point, we believe it to be an improvement. We hope you do as well. And from there, I intend to move on to Mr. Preiss, who will talk about the signage for the property, which is the variance condition and also provide the variance proof for the D1 variance. With that said...

Chairman: Before we move on to Mr. Depoe, why don't you fill us in with respect to the D1 and why we've asked Councilwoman Curry and Mayor Ghassali to leave?

Mr. Delvecchio: Yes, Mr. Chairman, there are two uses that are technically not permitted by your code on this property. One of them is a daycare center and the state statute makes the daycare a permitted use automatically so there is no D1 variance with the daycare center. However, the proposed medical use by Montvale Spine and Health is a use that is neither permitted by your ordinance or directly overridden by statute triggering the need for a D1 use variance which is why the council representative and the mayor are not eligible to vote on this particular matter.

Chairman: Okay, that's good. And Mr. Regan, are you in agreement with that?

Mr. Regan: Yes, I am.

Chairman: Okay, thank you. So, Mr. Delvecchio, why don't you proceed with your witness?

Mr. Delvecchio: Yes, I'd like to recall Mr. Depoe. He was previously sworn qualified and I remind him remains under oath. And assuming he has share rights, I would ask that he please put what is the alternate plan and I have proposed that we mark it as A14 once Mr. Depoe can identify it on the screen.

Chairman: Okay.

Mr. Depoe: All good.

Mr. Delvecchio: You just identify the sheet so we can mark it as A14.

Mr. Depoe: Okay, sure. This is the color rendering we provided entitled phase two site plan. It's a depiction of the overall development colored and the landscaping is added. So, A14 was presented at the last meeting and there was some concern regarding the circulation, primarily as you come in off of Philips and under this scenario, you were presented, if you're traveling and your vehicle and you were to turn right or left into the site, you were presented with two options. You could continue straight and go toward building at the daycare or you could turn right and go toward commercial building I. Conversely, if you were to leave the site, you could pass building I having the building on

your left and continue down where you'd come to a stop bar and confront traffic cutting back on the Philips, and then you have the opportunity to make a left, and then perhaps make another left on Philips. And I think it was pretty obvious that the board was very concerned with this intersection, perhaps some of these movements, perhaps some of the line of site, as you were waiting here to make that turn and whether or not you could be potentially in a hazardous situation with the vehicle coming into the site. So, that's what we kind of perceived from the board. There was some discussion about it. So, as Mr. Delvecchio pointed out, we did go back and take another look at perhaps a better circulation pattern in this front area. So, Andy, I'm going to present the next revised our rendering, and that would be A...

Mr. Delvecchio: 15?

Mr. Depoe: The one immediately after.

Mr. Delvecchio: Okay, this will be for the one we're looking at now is previously marked as A13.

Mr. Depoe: 13.

Mr. Delvecchio: You're about identify will hopefully be A14.

Mr. Depoe: I'm sorry. Okay, I misunderstood you. I thought you wanted me to show this one first. But okay. So, my apologies.

Mr. Delvecchio: We can date on this one if you will.

Mr. Depoe: Okay, yeah, I did create a date here of, I got to move everyone, April 14<sup>th</sup>, 2021 is the rendering and it is entitled also phase two site plan and it's a revised version of A13. So, what we did to attempt to address the board's comments and concerns were to make the entrance toward building I one way ingress only. So, therefore, as you come in off the Philips Parkway, you still have two options. You can go straight and continue on to building H or you can turn right and then go to building I where you're faced with angle parking. So, that angle parking keeps the direction of traffic in the same, you know, the traffic moving in the same direction. So, if you back out, the vehicle has a tendency, of course, to back out and move. This would be in a westerly direction, has building I where then you could merge with traffic and continue coming out. This does not this, of course, eliminates the potential for someone coming out, passing building I on your left, and then coming to this intersection, and then having the line of site issues that were potentially a concern.

And we also said we would look at the landscaping here and I did speak with Ms. Rodriguez and we will, we do believe that there's adequate site distance because this is a lot of low level planting, but that could be improved upon. This is simply a site rendering just to indicate the change in the circulation. So, that being said, I think that's really the change.

We did not lose any parking spaces. We did lose, excuse me, one space in front of building I but looking at my grading plan and some of the changes, I was able to add one more parking space here to make this a bank of eight where it used to be a bank of seven. So, we didn't lose any parking spaces with that configuration. We still have the two ADA spaces, and we feel it's a better movement. And that's it.

Mr. Delvecchio: Mike, do you believe that these changes resolve the potential safety items that were identified by the board and brought to our attention at the last hearing?

Mr. Depoe: I believe so. I believe the board felt that they had some ideas that are perhaps some concerns, some of them were voice. But again, there are some limitations here. There is only one ingress and egress and therefore, we're limited on exactly what we can do. But we did feel that this was a very good alternative to keep traffic flowing in the direction that still allows people to come in and go directly to the tenant or the use that they are intending to arrive to on site, and then still be able to exit safely. So yes, and again, what we don't show here is probably some directional signage, which would help facilitate this saying, this way to ever broke or this, you know, and then, of course, do not enter signs and things like that. So, you're not seeing all that, but that would be incorporated into the plan.

Mr. Delvecchio: And the balance of the plan remains unchanged, except for the items that you've just identified.

Mr. Depoe: That's correct. We only dealt with the circulation. But that's correct. The balance of the site remains unchanged.

Mr. Delvecchio: Thank you. Mr. Chairman, I don't have any additional questions for Mr. Depoe. I make them available to you and the board and your experts for any questions you may have.

Chairman: Okay, thank you. Let's go first to Mr. Hipolit. Mr. Hipolit, did you have an opportunity to review the revised on site traffic circulation plan?

Mr. Hipolit: I did. So, Mr. Depoe sent it to me early in the week to look at, earlier last week to look at and we are in agreement that the one way heading westbound going right when you come in the driveway past a commercial building, and then to whoever else works fine. I mean the landscaping in the site distance of the driveway and Philips off to be looked at when they actually come up with the full design, but this circulation works much better.

Chairman: Right. And as the flow of traffic once you get past building I, are you satisfied with that? Are there not being any other conflicts?

Mr. Hipolit: I am.

Chairman: Okay. And I'm going to go to board members because all of them had expressed the concern about that on site traffic circulation. So, I think we should deal with that now. And I think we can start with Mrs. Cudequest. Mrs. Cudequest with respect to the onsite traffic circulation and the conflict that was perceived at that point of ingress and egress and the change made, do you agree with Mr. Hipolit that it is an improvement over what was previously shown?

Mrs. Cudequest: Yes, I do. I also agree with the slanted parking. I think that that will bring people in that direction to park at that building.

Chairman: So, you're satisfied with that?

Mrs. Cudequest: Yes. Yes, I am.

Chairman: Okay, thank you. Mr. Teagno?

Mr. Teagno: Yes, I think it's much better overall. I just have one question. I believe in at the, let's see, northwest corner of the commercial building, is that a space to back something in as I recall?

Mr. Depoe: Yes.

Mr. Teagno: Back a truck in or something for deliveries?

Mr. Depoe: That's correct. That's the loading for that building.

Mr. Teagno: Okay. So, with this circulation coming up and going right to go past the commercial building, is there still enough room for that truck to pull forward and then back in?

Mr. Depoe: I believe so that the widths here have not changed. We haven't changed the circulation IO width. If you see there's still 24 feet here. And a lot of that had to do with that circulation at this intersection, and making sure that we had that. It hasn't been fully engineer, but yes, I think that's really unchanged.

Mr. Teagno: Great. Okay, thank you. That's the only question I had.

Chairman: Thank you. Mr. Stefanelli.

Mr. Stefanelli: Thank you, Mr. Chairman. I don't see it. And I think that it's a better much better plan. Still a tight, still tight site, but I can live with that.

Chairman: Very good. Thank you. Mr. Gruber.

Mr. Gruber: Mr. Chairman, I only have one concern here and it would probably, it's really not my concern, it would probably be more the fire chief's concern. Fire equipment, fire trucks, particularly getting in there to maneuver and get around and set up in case of a fire. I think he would really need to be brought in on this conversation because it looks very difficult. If I was an emergency driver of a fire truck and trying to get it in there and set it up, getting around all these turns and maneuvering it quickly in order to set up for a fire, especially building H, there's no access from the back side of that building at all. So, I just, that would be my only concern on this.

Chairman: Okay, we'll have to talk about that. Mr. Huysenov.

Mr. Huysenov: Thank you, Mr. Chair. I have a similar concern about the circulation that's going towards the building H because it's a two-way, I assume it's a two-way circulation, right, going on the sort of south part of the lot and then the...

Chairman: Yes, yes, it is.

Mr. Huysenov: One way going on the northern part of that same lot. And it's just like let's say a vehicle enters from the Philips Parkway, it would have an option to go to either direction of that lot, right?

Chairman: Yes.

Mr. Huysenov: And how is that going to, how is the vehicle going to, let's say someone is dropping off at the building H, how are they going to turn back and exit to Philips Parkway again? They would have to make some kind of K turn. Is there any way to circulate and get out?

Chairman: I'm not quite sure if that's the way it goes. Mr. Depoe, could you respond to that?

Mr. Depoe: Yes, thank you, Mr. Chairman. I think it's important to note that this is not a drop off, that there was testimony given, I believe at the last hearing that this, and perhaps it wasn't I don't recall, but this facility does not operate on a drop off at the front door like a elementary school or anything like that. Parents or guardians who bring their children to this facility need to pull into a parking space and bring their child into the facility. So, it doesn't really work that way. So, the parking lot will really work like a traditional parking lot in that respect. You pull into a space, in a perpendicular space, you go into the facility, you come back out, and you back out, and you work like and it's the same dimensions as any other parking lot that is throughout the town.

So, but in terms of circulation, it is two-way here. I'm sorry, I just depicted these arrows just so the board would understand the rendering here. But this is two-way through the middle here. And it's two way all the way around and two-way to the south. It's only one-way at this stretch right here. And in terms of circulation, I've heard a couple people mention circulation for emergency. And I just want to point out that this could be narrower,

but we did run some circulation models that we have on another sheet in our site plan. And by leaving this at 24 feet, we don't believe we've compromised that at all. So, we've done all the turning radii and everything and we could have shrunk that or we did not.

Mr. Huysenov: Okay, I have no further questions, Mr. Chair. Thank you very much.

Chairman: Thank you. Mr. Culhane. John, you have to unmute. There you go.

Mr. Culhane: Thanks, Mr. Chairman. Yeah, this is an improvement over what was previously submitted. And the only question I would have is, I assume at the core of the west end of the one-way drive, there'll be a stop bar and stop sign at that location.

Mr. Depoe: Yes, that's correct. We still engineer this and Mr. Hipolit has to approve it, but absolutely, yes.

Mr. Culhane: No other comments, Mr. Chairman.

Chairman: Thank you, Mr. Lintner.

Mr. Lintner: Yes, Mr. Chairman, I agree it's a simple solution, but it is a big improvement going one way in front of that building. I'm fine with it.

Chairman: Okay, thank you, and Mr. Zitelli.

Mr. Zitelli: Okay, Mr. Chairman, it's an improvement but I think more needs to be done. I do not like the entrance. I want my preference would be for that somebody turning in here to go straight in. I think that curve there is a problem. What I'd rather see the applicant do is take some of that landscaping and put it in between the egress, you know, the entrance and the egress to separate it that way so that the cars that are exiting, I guess, they're going to be on the south lane there, right? We could put, if we need landscaping, let's put it in between where we enter this site and where we leave the site. I really don't like that turn there. I think that's a very sharp turn, people are coming in there. I just think that's going to be a problem. It is going to be a problem for emergency vehicles also. And also within the site, I would like to see the circulation in front of both buildings being one way. I understand back on the on the northwest side, okay, that's fine with me. But in front of both building H and I, I would expect both of them to be one way and that circulation would go, I guess, it's going to go counterclockwise there. That would be my preference, Mr. Chairman.

Chairman: Okay, thank you. Let me go to Mr. Depoe. Mr. Depoe, with respect to what Mr. Zitelli said, coming into the site off of Philips, if you were to square that up so there would be direct access going in towards building I, the one way the way you're showing, and extend the island so that to have a separation, in essence, between ingress and egress, did you look at that as a possibility to improve circulation?

Mr. Depoe: I think it's achievable. Whether it improves circulation, I'm not 100%. I just I should also mention that this circulation pattern does give the opportunity for someone to continue, and if they don't see a space or whatever, to continue back. Someone just left a space and they want to come back and it does give them the opportunity to go left. So, the island which I think Mr. Zitelli is referring to down in this area where my little hand is?

Chairman: Yeah, that's correct.

Mr. Depoe: So, there could be an island here, I could bring this driveway back a little bit to create that. I think I would have to widen this out in order to make sure the vehicles get around that island and continue straight this way.

Mr. Zitelli: I think what my major concern Mr. Depoe is really just I'm less worried about the circulation within the site. The one that I'm most concerned about is the entrance into the site. I would want to see that, I want to see somebody who is coming, going what south on Philips, right? If you're going south on Philips, and you're making a right turn in there, I want that to be a 90-degree turn that they make in there. I don't want to see that curve. That's just my opinion.

Mr. Depoe: I'm sorry, a 90-degree turn there...

Mr. Zitelli: Yeah, I want them to just turn make the right. I don't want that curve there.

Mr. Depoe: You don't want it to curve back left.

Mr. Zitelli: No, I want just at the end of the curve there, draw a straight line out to Phillips. Yeah, just cut off that portion of...

Chairman: Mr. Zitelli, let's get Mr. Hipolit read on that. Andy.

Mr. Hipolit: Okay.

Chairman: You heard what Bob had to say about making it 90 degree easy right-hand turn in straightaway emergency vehicles, general population. Would that be an improvement over what's shown?

Mr. Hipolit: So, a couple of, just a couple of things, we shouldn't lose site of the IO width of the one-way drive area it's 24 feet. They technically could reduce that I think to 20 or 18. They're keeping it 24 so the turn coming in off of Philips making the right turn is a pretty wide gentle slow sweep. The more direct you make the movement with less turns, the more we're going to have a problem like we have on the Market Square or the Lifestyle Center where people will whip into that parking lot and they're smashing into each other back in spots. If I learned anything from the Market Square, we want less long runs and less easy turns and more turns to slow people down because people are going to drive, if

there's a daycare center here, people are going to drive in here. You don't want to drive long distances slow, I mean fast. You want them to go slower so I like the turns better.

With respect to the emergency vehicles, the 24-foot wide one-way aisle is well bigger than what they need to get a fire truck through there and when you have a split both hours in both directions are 24 foot so the fire truck kick on right is to illustrate if you can't go straight if you still are right gives a the truck two points of access. The other thing I would highly not recommend in the fire department can weigh in on is any type of island that Philips because nigh on that Philips is going to propose an obstruction to the fire department or other places emergency vehicle. So, I mean, we gave a pretty hard look at this, with respect to circulation. You know, again, the Lifestyle Center it we've had a lot of problems with accidents, the Lifestyle Center has had probably has a few dozen accidents a month, with cars going down those long aisles that will call it higher the normal speeds and cars literally back out and smash into them. So, this is going to help prevent that. This also provides two points of access for emergency vehicles. You know, the way the buildings are staggered on site, I would stay with this as it is. I think it's going to slow traffic down and provide good emergency access to the site.

Mr. Depoe: Mr. Chairman, may I weigh in on that?

Chairman: Sure.

Mr. Depoe: Okay, thank you. And I really agree with Mr. Hipolit. And in terms of that island, thank you very much. I mean, it kind of stole my thunder a little bit, but that's exactly where we're going with this is that that center island, it's really only for just to enhance it visually and it creates problems for circulation and emergency vehicles without a doubt. I agree with Mr. Hipolit 100%. We've had a lot of people try to put them down the middle of driveways, and then they want them out of there, you know, right away and the fire department always tells us to get rid of them. So, while Mr. Zitelli I understand your concerns, I think that I agree and, again, the width of the aisle being 24 feet, just like Mr. Hipolit had said, was intentional. It is there so that that turn can be made easily with a lot of room no one's hitting curves, and it can be made safely and effectively to get people toward building I. In terms of all around circulation, I respectfully disagree with that being all one way because I think it's imperative that people get in and get to the daycare center. These sites may operate at different times, but at times, they won't and I don't really want to bring everyone in front of building I in order to get to building H, and then have to circulate back around. So, I think this gives, I think it does improve the circulation greatly from what we had last time. But I wouldn't want to ruin the site by trying to do too much.

Chairman: Mr. Depoe, let's go back to Mr. Gruber's comments with regards to a fire truck access to the daycare building the backside of the daycare building. Do you feel that we've shortchange them by putting that building up against that wall in the back or the western side of the property?

Mr. Depoe: Well, I don't believe, sir. I don't believe that a fire vehicle would go back here, although it is important not only to the daycare, but to Montvale and to the developer and everyone else that you have clear access around to the back for any kind of emergency, God forbid, but it does allow fire officials to get to the back of the building. I just don't think that they, you know, having a rig back here, when they can set up in front and access most of this building is really, it's really imperative. It's not a huge building, it's not very tall, and I think they have plenty of access on this. I think that's the way the fire department would read it. We have other buildings up at phase one that don't have access all the way around. And we dealt, you know, we spoke to the fire department extensively about that, we had a lot of input with police and fire, and we came to that same kind of conclusion.

Mr. Delvecchio: Mr. Chairman, I would also just point out we do have a review letter from the Montvale Fire Department review committee.

Chairman: Yes.

Mr. Delvecchio: And they made some requests but had no issues with the balance of the site in particular access to the various parts of the buildings.

Chairman: Right. I think we're at a point where we have to decide whether we're going to accept the changes that Mr. Depoe is proposing, as agreed to by Mr. Hipolit or seek further revision. I'm satisfied. I think what I was fearful of was losing the 24 foot island. That was my biggest fear. Then I would think that the property would just get too tight. We have to maintain that 24 feet and I think with the safety of the children, the pedestrians coming out of cars we've got to keep that aisle as wide as we possibly get. And I think that was achieved, Bob. and I hear what you're saying. We're concerned about that turn, but I think he got enough swing room there that it would work.

Mr. Zitelli: All right, so again, Mr. Chairman, my major concern really is the...

Chairman: Point of access.

Mr. Zitelli: Ingress and egress is my major concern. I still don't like it. I can go with whatever everything else everybody said, I'm fine with but where I interest. So that's it.

Chairman: Okay, gotcha. Okay, anyone else wish to be heard on? Now, I think we'll for now, we'll stick with that. And Mr. Delvecchio, why don't you continue? I'm sorry, before you do, Lorraine, do we have members of the public that are here with an interest in this application?

Lorraine: There's is Becky best part of your group, Mr. Delvecchio?

Mr. Delvecchio: Yes.

Lorraine: And Mr. Pat and Trini Rodriguez, Correct?

Mr. Delvecchio: Correct. They're part of the applicant's group.

Lorraine: Yeah, there's no one from public.

Chairman: Okay. So, that one we continue without opening to the public now. So, go ahead, Andy. It's yours.

Mr. Delvecchio: Yes, I have concluded our questions of Mr. Depoe and would like to call Mr. Preiss to deal with signage and planning customer.

Chairman: Okay.

Mr. Preiss: Good evening, Mr. Chairman, members of the board.

Bob: Mr. Preiss, would you raise your right hand please? Do you swear or affirm that the testimony you will give in this proceeding shall be true, so help you God?

Mr. Preiss: I do.

Bob: And for the record, please state your full name, please, and spell your last name.

Mr. Preiss: Yes, it's Richard M. Preiss.

Bob: Mr. Preiss is well known to the board and he can be deemed qualified in the field of professional planning.

Chairman: Chair will accept recommendation to Council. Please continue, Mr. Preiss.

Mr. Preiss: Thank you.

Mr. Delvecchio: Mr. Preiss, you're hired by the applicant to review the application and determine whether there are sufficient planning proofs to support a variance for the D1 use variance as well as the assume a C variances for signage, correct?

Mr. Preiss: Yes. And there's also a sidewalk parents in addition to the sign variances. Yes. But all three of those groups have variances. Yes.

Mr. Delvecchio: And you've made yourself familiar with the plans, the property and the planning documents of the borough that would impact that decision, correct?

Mr. Preiss: I have.

Mr. Delvecchio: Can you tell the board, obviously, we've thoroughly described what the project is at this point of the proceedings, but if you could tell the board what you did, and how you view the various variances that you've identified in the application.

Mr. Preiss: Sure. So, the board has a very adequate description of the site and how it's laid out, the architecture, landscaping and so forth. So, I won't go over that. I'll confine my testimony to the variances at hand. We are in the AH-PD zone. And as indicated the applicant is proposing a commercial center with a medical office and daycare. And we need a D1 use variance because a medical office is not permitted. We are also compliant with all of the bulk regulations. There is one standard that we don't comply with that's related to sidewalks and the ordinance indicates that sidewalk shall be set back at least five feet from buildings unless a five-foot wide planting bed is located along 50% of the length of the building. And in this case, the sidewalks are directly adjacent to the building so there's no landscaping proposed.

In addition, we have a number of C variances for signage. And I'll just run through them. I know Bob likes to have the specifics for the record. So, I'll do that and it will make it easier when I address the sign variances. So, it falls into two groups. One is for the medical office building that is for building I, which is going to be partially occupied by the medical office building and the balance for use which is yet to be named most likely a retail use. And we need variances for the number of signs permitted, two are permitted and three proposed. The maximum sign area is 36 square feet per sign. The sign on the eastern facade measures 47 square foot. The maximum aggregate of signs is 60 square foot and we have three signs combined which are 108 square foot in total. And then the maximum letter height is three feet is permitted. We have 3.5 feet proposed for the sign on the northern facade and five feet for the sign proposed on the eastern facade. Then we also have sign...

Mr. Zitelli: Mr. Preiss, could you give me the square footage on the three signs the aggregate?

Mr. Preiss: 108 is the total whereas 60 square foot is permitted in the...

Mr. Zitelli: Right, okay.

Mr. Preiss: Okay. And then the signs for the daycare building, the daycare building is building H, so we in that in that particular situation, we have a 36 square feet is permitted, the sign on the eastern facade is 40 square foot, and on the northern facade, it's 67 square foot. So, the aggregate 60 square foot is permitted and 107 is proposed. The maximum letter height is three feet, we have four feet for the eastern facade sign, and five feet two inches for the northern sign. And then also with regard to the maximum number of colors permitted, three is permitted and where the logo is provided that has more than three colors. So, those are the variances.

Let me now get on to the D1 use variance. As the board the board is familiar for a D1, you need special reasons or the affirmative criteria, and you also need to address the negative

criteria that the granting of the variance would not have a substantial detriment on the public good or the zone plan. So, with regard to the use variance, I do believe that a medical office use is particularly suited for the site for a number of reasons. The most important reason is the unique context of this particular portion of the overall development of the Shoppes at DePiero Farm, and within the context of the PUD development. So, the board is aware in phase one with the Wegmans and the Lifestyle Center with the retail shops have been very successful, and a great benefit to the community. But that is really driven by the fact that it has significant frontage and accessibility to Mercedes Drive, which is really becoming the sort of the major Boulevard to what has become in combination with the North Market across the street, the de facto town centre for Montvale. And in the north in that part of the site, the Shoppes at DePiero Farm, we have visitors going to the Wegmans, and they those visitors also frequent the Lifestyle Center which are able to draw from the people who are visiting the Wegmans. This particular portion of the site is located substantially below and is only connected not by vehicular access via a walkway, and it's substantially less visible to the traveling public. So, in that respect, it's not really a site that's ideal for retail by itself and it's not able to feed off that vehicular traffic going to the Wegmans or the Lifestyle Center. It is particularly suitable for office and particularly after medical office, for which there appears to be a much greater need ever since the Memorial Sloan Kettering moved to Montvale.

We would note that in the north market that has been that is underway. There is an office building there that is added to the mixed use character of the town center. And so the use variance to allow medical office in this particular phase of the DePiero development on this our parcel is consistent with the sort of the wider range of mixes and the design, which is complimentary to the rest of the development. I think that the medical office is highly suitable and appropriate because together with the daycare, it adds another type of service that is beneficial both to visitors of the Shoppes at DePiero Farm, as well as the new residents and employees in nearby developments such as in the north market area.

In fact, medical facilities are and offices are becoming more commonplace in shopping centers. And as the board is aware, in fact, in the Shoppes at DePiero Farm, City MD is one of the tenants that was added to that particular shopping center. So, I believe that the medical office blends well with the existing uses within this particular area, and it's also very compatible with the uses across the street across Philips Parkway, and then across Grand Avenue, which continues along Paragon Drive. So, by allowing this medical office, it will add to the diversity and also be blend in with the land uses in that particular area.

In terms of the physical characteristics of the site, I think this use is particularly suitable. You have good traffic access and visibility because the site is located at the intersection of Grand and Philips Parkway, so it is large enough to accommodate the buildings while still providing appropriate setbacks, landscaping and adequate parking. We're not asking for any C variances for non compliance with bulk requirements. And it provides a very advantageous opportunity to offer an additional use to the public which enhances the overall mixed use concept of this particular site and as well as development across the street on Mercedes Drive. So, I believe that the site is particularly suited for this particular

site, and it in advances purposes A and G of the municipal land use law. In other words, it advances the public health, safety and welfare. And it also provides medical office to for the benefit of residency in Montvale and in New Jersey.

With regard to the negative criteria, looking at the potential impacts from a land use point of view, the medical office blends in well with the daycare center, the retail and supermarket and offices nearby and as well as the uses across the street. In terms of parking, we're complying with the parking requirements. The traffic, the development of this site was incorporated into the overall traffic study that was done at the outset. And so the level of service that was projected then will be met when this is fully occupied. In terms of impact on the environment, the total building and impervious coverage are under the maximum permitted. We have a compliant perimeter landscaping and adequate stormwater management. In terms of aesthetics, the buildings are compliant in regard to height and the architectural design, once again duplicates the farmhouse look that is such a significant and well respected feature of the Shoppes at DePiero Farm development. So, it's consistent with the aesthetic character throughout the development. And the development is not going to create an increased demand for municipal services, and is likely to generate additional revenue both for the borough. So, the grand of the variants would not have a substantial detriment to the public good.

In terms of the impact on the zone plan, the original HPUD and the neighboring mixed use PUD zone, were all created to facilitate a mixed use planned development of the Shoppes at DePiero Farm acting as a major attraction. And a medical office building really is a complimentary use to that. And I remember when the HPUD zone was originally adopted in 2013 the main focus was to facilitate a high quality Lifestyle Center to satisfy the community's retail shopping needs. And you can see that that has been successfully developed on the balance of the DePiero Farm property. And the fact that we have a small parcel of remaining land that was not specifically contemplated for office development at the time that the zoning was put together, but now in retrospect, seven or eight years later, the addition of medical office is certainly something that would not harm that overall purpose and intent of creating the HPUD zone. So, I believe the variance can be granted without substantial detriment to the public good or to the zone plan.

With regard to the C variances, first of all with regard to the sidewalks, it should be noted that that ordinance requirement is not specific to the HPUD zone. It is a general requirement governing sidewalk and off street parking lots for all nonresidential developments. And I recall that the landscaping requirement was added to the ordinance when the lifetime center was contemplated and added and rezoned for Montvale, and then concern was the long facades of the parking garage and was felt necessary to add some landscaping beds adjacent to those very long walls to break up the look of that particular parking garage. In this particular situation, we're dealing with a shopping center where it's very common to have sidewalks along the full frontage. And that's certainly what was done in the first phase of the DePiero development. And we did have, if the board remembers, we also had a similar variance application made at that particular time, which was granted. And in fact, it was challenged in court and the Court upheld that particular variance. And the layout here is

very similar and the use is contemplated are very similar to what was provided in that development. And so I believe the same reasons, the same benefits of having those wider sidewalks along the frontages of the daycare and the medical office building and the retail provides benefits to the public in terms of aesthetics, pedestrian access, and does not cause any detriment. So, I believe the variants can be granted where the benefits outweigh the detriments.

With regard to the signs, I'll deal with each of them separately. And if we could just share screen and bring up A101 which is the architectural plans. And this is for it shows the signage is shown on these buildings. In this particular situation, we're talking about building I. This is the medical office building which is on Grand Avenue. So, the very top one is the, what is known as the south elevation or the front. That actually that facade faces inwards into the parking lot. We just go down to the next elevation. So, this elevation is actually the one which faces Grand Avenue, it's the northern elevation. And you can see the small sign which is along the wall on the rear side or the side which is facing Grand Avenue. And finally the bottom elevation on the left-hand side, that is the side elevation and that's what faces Philips Parkway. So, I just wanted to remind the board in this particular situation where those signs are located.

So, getting back to the variances, in terms of the maximum number of signs two are permitted and three provided. The reason why three are provided is we have two street facing facades, both Philips Parkway and Grand Avenue, as well as another facade which faces inward into the parking lot. So, we really need three signs on that building as proposed two so that we can provide identification to those who are traveling either on either of those roads around the outside of the building as well as the interior of the site. Then with regard to the deviation for the maximum aggregate sign area, 60 square foot is permitted 108 is proposed. And that deviation is required because we have three signs as opposed to two. And so when you add those up all together, it's in excess of 60 square foot. In terms of the individual sign size, which is in excess of what is allowed, the eastern sign 36 square foot is allowed 47 square foot is proposed that's necessary to ensure its visibility from Philips Parkway, because that wall that setback is more than 100 feet from the easterly property line. So, it really has to be visible from Philips Parkway. And viewed at that distance, it could hardly be considered an overly large or imposing sign.

In terms of the letter height, three feet is permitted and three and a half feet is proposed. It's really the logo rather than the signage text which exceeds the maximum height permitted. Those letter heights, the letters in the logo itself are not really disproportionately large, and it doesn't really occupy a significant area of the facade of the building. And moreover, the northerly sign will still be compliant with regard to maximum area allowed for each sign and the eastern sign is also appropriate in size because of its distance from the property line. So, those are the justifications for the signage for the medical office.

If we could next spring up the building elevations from A102 which is identified as building H, and is also known as the daycare building. So, we have a single tenant here. It's an L-shaped building. And in that particular situation, the very top one, which is the eastern

elevation, that's the elevation which faces Phillips Parkway, and then going down to the center elevation, the north elevation on this sheet, on the left hand side, that is the elevation which faces Grand Avenue. And those are the only two facades which have signage on them in this particular building. So, with regard to the first variance which is, the first two variances, six square feet is permitted, 40 square foot is proposed on one side and 67 for the other. So, both of the signs individually exceed the maximum permitted sign area, and collectively we're at 107 square foot as opposed to 60. Both the northern facade sign and the eastern facade signs are signs that are set far back from the adjacent rights of way. So, they're much less visible than if they were up close to the street. They also face parking areas so that they can identify the locations of the building entrances. And they are appropriate to ensure that the visibility once you're on the site from Philips Parkway, and you can find your way onto the site and to this particular facility.

In terms of the letter height here, three feet is permitted four feet on the east is proposed on the eastern side, and five foot two inches on the northern side. This is also the vertical dimensions of those signs are really not substantial, particularly in the context of how large the facade is on which they are located. And despite these deviations, they rarely are appropriate for these two particular facades of the building. Then in regard to the deviation for the number of colors, the only area in which we have more than three colors is for the logo for the Overbrook Academy. The main colors for the sign are white and blue, which match the colors which are in the text. And the multiple colors really stem from the logo of the globe that is the logo for the Overbrook Academy. And we want to have a logo, which is true to what the Overbrook Academy would like to propose.

The concern about having multiple colors is that the sign becomes less legible, and is inappropriate because it just doesn't tie in to the overall aesthetics of the shopping center. In this particular situation, those additional colors are certainly not going to do that, and we think it's beneficial in that the branding for this particular daycare is a generic one and one which is appropriate in this particular location. I believe that the signs overall, I would not add to clutter. They are not overly large, they're not excessive with regard to their number, the letter heights are all appropriate, and they do enhance the same purposes of the municipal land use law as the use variance does enhances the public health, welfare and safety. They're appropriate for a medical office building and for a daycare center. And as way finding sites, they would also help to lessen the dangers associated with access to into the site and then within the site itself. So, for those reasons, I think that all of the variances can be granted without substantial detriment to the public good or zone plan. Thank you.

Mr. Delvecchio: Thank you, Mr. Preiss. I don't have any further questions for Mr. Preiss, make him available to the board and its professionals as well.

Chairman: Thank you. Mr. Preiss, what is the proposed method of illumination of the signs that you presented?

Mr. Preiss: I believe it's all exterior illumination. The details for which we have the architect I think they testified before but I believe it's exterior illumination, I think it's gooseneck lighting in most of those situations.

Chairman: Because I believe the elevations that were used as exhibits didn't show any exterior lighting. The Overbrook that you just showed.

Bob: Mike, can you put those back up? Thank you.

Mr. Preiss: Quite frankly, we did not apply for a variance. So, I'm not quite sure what the... I do we believe we are compliant with the lighting requirements, but I don't know what the source of the lighting is in this particular situation. I would have to rely upon another of the experts either Mr. Depoe or Mr. Pat.

Chairman: Okay. Mr. Delvecchio, do you have any input on this?

Mr. Delvecchio: I knew that for months, our spine and health, the south elevation is illuminated by gooseneck lighting.

Chairman: Yeah.

Mr. Delvecchio: In fact, on that plan. I am just double checking the signage current I believe the other ones are internally lit letters. I'm just double checking whether they are halo or just channel cut letters. I can open that plan and give you that information in a moment.

Chairman: Well, I believe we were requiring the external illumination. And it didn't show on that one elevation. So, I don't know if that was an oversight. I think at this stage of the game where we were so careful with the signage that we did up at the Lifestyle Center, I certainly wouldn't want to see what appears to be a big box for the academy signs.

Mr. Delvecchio: No, those are not intended to be sign boxes. I think that gray shadow behind it is just that it's a gray shadow. It's not a sign box. We're not using sign box there. That's an internally channel cut letters that are internally illuminated.

Chairman: Okay, I think I'd like, Bob, for the resolution to be clear with respect to the illumination for the signage, a lot of paints have gone into the design of the signage. And I wouldn't want to see it ruined on the last two buildings of the development.

Mr. Delvecchio: We will also determine if it's acceptable, we'll update the drawings and show that on the drawings pre-resolution along with the changes Mr. Depoe was going to make anyway.

Chairman: Okay.

Bob: The revised plans will indicate the particular style or type of elimination?

Mr. Delvecchio: Yes.

Bob: What are you going to use gooseneck lamps or the internal?

Mr. Delvecchio: One elevation for Montvale Spine and Health are goosenecks and the others are going to be internally illuminated.

Chairman: Which is what I don't want to see a box that's a shadow.

Mr. Delvecchio: When I say internally illuminated, I'm talking channel cut not a sign box.

Chairman: Okay. Bob, do you have that?

Bob: I have that. Well, I'm going to get the plans that will show that I hope.

Chairman: Okay, why don't we move on to questions of Mr. Preiss? I'm going to start, though, with Ms. Green. Ms. Green, you've heard the testimony of Mr. Preiss, your comments and questions, please?

Bob: Mr. Chairman, do we want to mark Darlene's planning report?

Chairman: Yeah, I'm sure.

Bob: Well, she wrote two, but I think we probably want to use the most recent one, Darlene?

Chairman: Most recent.

Ms. Green: Yes.

Bob: April 1<sup>st</sup>?

Ms. Green: Yes.

Bob: I think that takes us to B2, I think.

Chairman: Let's tie in your summary of your technical review letter with any questions you have on Mr. Preiss.

Ms. Green: Sure, so I will skip to page six of my letter. And my questions for Mr. Preiss we had flagged three deviations for crosswalks, bike racks and the side façade. And that I didn't hear those mentioned in your list of deviations that you need. Does that mean that you're complying with those provisions?

Mr. Preiss: I believe that those were addressed at the prior hearing and to the satisfaction of the board, but I think Mr. Depoe can weigh in on that and indicate what was, can summarize for the board what was testified to.

Mr. Depoe: I agree. Ms. Green, you mentioned the bike racks, and I testified that they would be provided. The second one, I'm sorry, if you could repeat that.

Ms. Green: Sure. The waiver for the crosswalks, I think there was a testimony about the one at Philips at the actual entrance.

Mr. Depoe: Yeah, I think we agreed that they would all, I think Mr. Delvecchio, am I correct we agreed that they would all be the stone facade, right?

Mr. Delvecchio: Yes, we would do the textured and differentiated material and color in all the crosswalks. I think there was actually a polling of the board and we agreed to accept that.

Mr. Depoe: I remember that also. So, and then the in terms of the facade that wouldn't be me. I don't recall that comment that. Thanks.

Ms. Green: Yeah. So, this provision is in the code about requiring side facades with no adjacent loading areas provide display windows within at least the front 20 feet of the side facade. I believe the architect testified about it, but I don't think they're bringing changes proposed. So, unless I'm wrong, I believe you still need that deviation for the west side of building H.

Mr. Depoe: Building H. Yeah, so I think you are technically, I would agree that you're technically correct. That is the leg of the building that abuts the retaining wall in detention area.

Ms. Green: Yes.

Mr. Depoe: And I'll ask Mr. Preiss to weigh in on that design waiver, given the location of where that wall is and whether or not relief is appropriately granted or considered for that location.

Mr. Preiss: Yeah, that location is not really visible to the members of the public. So, the idea of putting a window on that facade just doesn't make any sense.

Ms. Green: I would agree with Mr. Preiss. I just wanted to get on the record so when Bob writes this resolution, he has it all detailed. Moving on in my letter, a lot of my comments, Mr. Chairman, are related to other professionals that have already testified to either get clarification, clear up discrepancies, etc. Do you want me to go through each one of those or how do you want me to handle that?

Chairman: Well, the problem is the hour is late, and I think if we start bringing up other witnesses to answer all of the questions you brought forth in your technical review, we're not going to be able to get out of here on time. So, we are going to have to carry this and Lorraine, what is the date available to carry the meeting to?

Lorraine: May, they can carry to May 4.

Chairman: Which is our next regularly scheduled meeting. Mr. Delvecchio, are your witnesses available for that evening?

Mr. Delvecchio: The only two that I believe we would need to recall or have available would be Mr. Depoe and Mr. Preiss unless somebody else is required. I'd ask both of them if they are available.

Mr. Depoe: Yes, I am.

Mr. Preiss: Yes, I am.

Chairman: And Ms. Greene, who else do you believe should be made available to you?

Ms. Green: I do have some landscaping questions, but if their landscape architect is not available, if they read my letter and submit a response letter, that may be addressed. Those are pretty simple questions and clarifications.

Chairman: Okay, Mr. Delvecchio, could you see to that?

Mr. Delvecchio: We will either have Ms. Rodriguez available or submit the letter in advance.

Chairman: And is there anyone else, Ms. Green?

Ms. Green: I don't believe so.

Chairman: Okay. So, Lorraine we could carry to our next regularly scheduled meeting. And I would like to see if we could conclude this matter on that evening. On direct, Mr. Delvecchio, do you have other witnesses to testify?

Mr. Delvecchio: No, Mr. Chairman. Mr. Preiss was our final witness. We will of course just verify a couple of answers to some questions that were raised this evening, but no additional direct or witnesses.

Chairman: And then the borough has additional exhibits from police department and fire department, Bob.

Bob: Yes, we do. Do you want to mark them now?

Chairman: We could.

Bob: We actually have Montvale Police Department January 26.

Chairman: Right.

Bob: B3. There are a number of items in this recall report.

Chairman: Yes. And you have a copy of that, Mr. Delvecchio?

Mr. Delvecchio: I do.

Chairman: And the Fire Department of March 30.

Bob: B4.

Chairman: B4.

Erica: Is the revised Fire Department as of April 1<sup>st</sup>.

Chairman: And then revised 401. And again, Mr. Delvecchio, do you have the 401?

Mr. Delvecchio: I do not have 401. I have the 430 Fire Department? I do not have that one either. Oh, I do have it. Okay. I do have it.

Chairman: Erica, could you redistribute Fire Department for 401?

Erica: Yes, I can do that.

Bob: We'll mark the fire the 401 as B5, John?

Chairman: As B5.

Bob: And B4 was the fire department one from March 30.

Chairman: From 330.

Bob: We also have a report of Trevor Roy I think.

Erica: Right.

Chairman: Why don't we mark that as well?

Bob: That'd be B6 that's dated April 2.

Mr. Delvecchio: That I do not have so if you could send that along as well.

Lorraine: Erica, can you send that to Mr. Delvecchio in the morning?

Erica: Yes, I can do that.

Chairman: Okay. I think that is the extent of the exhibits, the borough exhibits we have Bob?

Bob: Yes, sir, John. A question, John.

Chairman: Yeah.

Bob: The plans that are going to be revised like dealing with illumination and a number of other items the access, are we going to have those to the next meeting or will that be after the May 4<sup>th</sup> meeting?

Chairman: Well, I would imagine the illumination can be dealt with beforehand. Is that correct, Mr. Delvecchio?

Mr. Delvecchio: Yes, even if we produce eight and a half by 11 for the signage, we'll have those for the next meeting for sure. The other ones will be probably, you know, just prior to resolution. Okay.

Chairman: When Mr. Depoe as an opportunity to fully engineer the revised plans with the changes of the traffic circulation pattern?

Mr. Regan: Correct. Chairman, we did get a transcript from the first public hearing the past few days. I assume we'll be getting another transcript.

Bob: If you would like one more, we'll be happy to provide.

Mr. Regan: Because I have to tell you, I only captured about 25% of what Mr. Preiss testified to. So, I want to do a better job on a resolution than that.

Bob: No worries.

Mr. Preiss: I can offer to share my outline with Mr. Regan which will help him.

Mr. Regan: Yeah, that would be fine. Just with the various numbers and dimensions it was hard for me.

Mr. Preiss: Happy to share it with you, Bob.

Bob: Thank you.

Mr. Preiss: Welcome.

Chairman: Okay, do we have anything else? Lorraine, is there anyone from the public in attendance?

Lorraine: No.

Chairman: Okay. So, with that said...

Ms. Green: Mr. Chairman.

Chairman: Yes.

Ms. Green: I'm sorry to interrupt. I have in my notes from the last hearing that we were going to hear testimony from a representative of the daycare facility. Is that still going to occur?

Chairman: Mr. Delvecchio?

Mr. Delvecchio: If there is a need, we can produce the witness. I don't believe there are any open items that would require their testimony. But if there's a curiosity question, we're happy to take it back and either get you a written answer or a live answer at the next meeting.

Chairman: How about can Overbrook provide us with a brochure that we can make part of the record? Ms. Green, would you find that acceptable?

Ms. Green: Yes, I think one of the questions last time was about security and access. I didn't write down all the questions, but I just had in my notes that a representative the daycare would be at the next hearing.

Mr. Delvecchio: I mean, I can tell you from a security standpoint, they have cameras both inside and out, parents are able to livestream view their kids while they're in school session. And in terms of getting into the building, you need to code as a parent to get into the first set of doors and then there's another set of doors once you get in. And that's the process by which the children are dropped off and checked out each day. So, it is a locked facility and requires a code to get in and out of that building. But again, if you like a narrative on that, I can have them put it together and submit it with the brochure.

Chairman: Okay, Does anyone else have anything more? Okay, hearing none, thank you. And we shall see you on May 5<sup>th</sup>, was it?

Lorraine: 4<sup>th</sup>.

Bob: It was May 4<sup>th</sup>.

Lorraine: May 4<sup>th</sup>. We still have a resolution to do.

Chairman: Yeah, we'll do that.

Lorraine: Okay.

Chairman: Come on May 5<sup>th</sup>, you'll be first on the list. Okay, have a good evening.

Mr. Delvecchio: Thank you. Good evening.